

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 77-105 (As Amended)

Introduced by Council President Freeman and Councilman Cooper

Legislative Day No. 77-30 Date: October 4, 1977

AN EMERGENCY ACT to add new Section 2-22.1, heading, Rules
Governing Investigations by the County Council
and Appointed Investigator(s), to Article 1,
heading, In General, of Chapter 2, heading,
Administration, of the Harford County Code, to
provide for the establishment of rules of
procedure for investigations by the Council or
Investigator(s) appointed by the County Council.

By the Council, October 4, 1977

Introduced, read first time, ordered posted and public hearing scheduled

on: November 1, 1977

at: 7:15 P.M.

By Order: Angela Marchewski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place
of hearing and Title of Bill having been published according to the
Charter, a public hearing was held on November 1, 1977
and concluded on November 1, 1977

Angela Marchewski, Secretary

BILL NO. 77-105 (As Amended)

1 Section 1. *Be It Further Enacted By The County Council of Harford*
2 *County, Maryland*, that new Section 2-22.1, heading, Rules
3 Governing Investigations by the County Council and Appointed
4 Investigator(s), be, and it is hereby added to Article 1,
5 heading, In General, of Chapter 2, heading, Administration, of
6 the Harford County Code, all to read as follows:

7 CHAPTER 2. ADMINISTRATION.

8 ARTICLE 1. IN GENERAL.

9 Section 2-22.1. Rules Governing Investigations by the County
10 Council and Appointed Investigator(s).

11 (a) Service of Subpoenas.

12 (1) The investigating body or person shall endeavor
13 to give at least seven (7) days notice to a perspective witness
14 However, failure to give seven (7) days notice shall not invalidate
15 the subpoena as long as its issuance is otherwise reasonable.

16 (2) Any person who is served with a subpoena also
17 shall be served with a copy of the Resolution or law establishing
18 the investigation, a copy of the guidelines or rules under which
19 the investigation will function; if not otherwise provided, a
20 statement informing him of the subject matter of the investigation
21 or inquiry and; if a personal appearance is required, a notice
22 that he may be accompanied by counsel of his own choosing.

23 (3) Any person failing to respond to a subpoena issued
24 by the County Council or Investigator(s) may be subjected to the
25 penalties of Section 1-25.1 of Chapter 1.

26 (b) Conduct of Hearings.

27 (1) The hearings of the investigation shall be open
28 unless the Council, by majority vote or the Investigator(s)
29 determine that the hearing should not be open to the public.

30 (1) THE FORMAL HEARINGS OF THE INVESTIGATION SHALL
31 BE OPEN TO THE PUBLIC. HOWEVER, THIS PROVISION SHALL NOT PRECLUDE
32 THE GATHERING OF INFORMATION, MATERIAL OR OTHER EVIDENCE BY A

1 COUNCILMAN OR THE COUNCIL'S STAFF IN PREPARATION FOR OR IN
2 EXTENSION OF THE OPEN HEARINGS.

3 (2) Where the Council is sitting as an investigative
4 body, the President, if present and able to act, shall preside at
5 all hearings of the investigation and shall conduct the examina-
6 tion of witnesses or supervise examination by other members of
7 the investigation, and members of the Council's staff who have
8 been authorized to examine witnesses. In the President's
9 absence or disability, the Vice-President shall serve as the
10 presiding officer of the investigation. In the absence of the
11 President and Vice-President, the Council shall select a presiding
12 officer to act in the absence or disability of both the President
13 and Vice-President. Where the Council is not sitting as the
14 investigative body, the person appointed to conduct the investi-
15 gation shall conduct the examination of the witnesses.

16 (3) No hearing, or part thereof, may be televised,
17 filmed, or broadcast.

18 (c) Witnesses Right to Counsel; Submission of Proposed
19 Questions.

20 (1) Every witness at the hearing may be accompanied by
21 counsel of his own choosing who may advise the witness as to his
22 rights. Limitations may be prescribed by the Council or
23 Investigator(s) to prevent obstruction of or interference with
24 the orderly conduct of the hearing.

25 (2) Any witness at a hearing, or his counsel, may
26 submit to the investigative body or officer proposed questions
27 to be asked of the witness or any other witness relevant to the
28 matters upon which there have been questions or submission of
29 evidence, and the Council or Investigator(s) shall ask such of
30 the questions as they may deem appropriate to the subject matter
31 of the hearing.
32

1 (d) Testimony and Other Evidence.

2 (1) Records will be kept of all proceedings in which
3 testimony or other evidence is received or adduced, which shall
4 include:

5 (A) Rulings of the investigative body or officer.

6 (B) Questions of the investigative body or
7 officer or staff.

8 (C) The testimony or response of witnesses.

9 (D) Sworn written statements which the Council or
10 Investigator(s) authorize a witness to submit and such other
11 matters as the Council or Investigator(s) may direct.

12 (2) All testimony given at a hearing shall be under
13 oath or affirmation unless the requirement is dispensed with in
14 a particular instance by the Investigator(s).

15 (3) Any member of an investigative body may administer
16 an oath or affirmation to a witness.

17 (4) The Council or Investigator(s) at a hearing, may
18 direct a witness to answer any relevant question or furnish any
19 relevant book, paper or document. Disobedience shall constitute
20 contempt, and the person shall be subject to the penalties stated
21 in Chapter 1, Section 1-25.1.

22 (5) A witness, or his counsel, with the consent of the
23 Council or Investigator(s) may file with the Council or Investi-
24 gator(s) for the record, sworn written statements relevant to the
25 purpose, subject matter and scope of the investigation or inquiry.

26 (6) A witness upon his advance request and at his own
27 expense shall be furnished a certified transcript of his testimony
28 by the Council or Investigator(s).

29 (7) Testimony and other evidence given or adduced at
30 a hearing closed to the public shall not be made public unless
31 authorized by a majority vote of all of the members of the Council,
32 which authorization shall also specify the form and manner in

1 which testimony or other evidence may be released. Nothing herein
2 shall be construed to prevent a witness or other person supplying
3 evidence from disclosing such of his own testimony or other
4 evidence concerning which only he could claim a privilege
5 against disclosure.

6 (e) Acquisition of Evidence or Information by Other
7 Means.

8 (F) DURING THE COURSE OF AN INVESTIGATION, WITNESSES WHO
9 HAVE BEEN SUBPOENAED TO TESTIFY MAY BE SEQUESTERED BY THE COUNCIL
10 OR APPOINTED INVESTIGATOR(S).

11 Nothing contained in this Section shall be construed
12 to limit or prohibit the acquisition of evidence or information
13 by an investigation by any other lawful means.

14 Section 2. *And Be It Further Enacted*, that if any section,
15 clause, phrase, word, provision or particular application of
16 this Act is for any reason held invalid or unconstitutional by
17 any court of competent jurisdiction, such section, clause,
18 phrase, word, provision or particular application shall be
19 deemed a separate, distinct and independent provision or application
20 and such holding shall not affect the validity of the remaining
21 provision or subsequent application thereof.

22 Section 3. *And Be It Further Enacted*, that this Act is hereby
23 declared to be an Emergency Act, necessary for the County Council
24 to perform their powers, duties, and functions in protecting the
25 health, safety and general welfare and the property of the
26 citizens of Harford County, Maryland.

27 EFFECTIVE: December 2, 1977
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77-105

AS AMENDED

LIBER 4 PAGE 516

BY THE COUNCIL

Read the third time.

Passed LSD 77-34 (November 8, 1977) (with amendments)

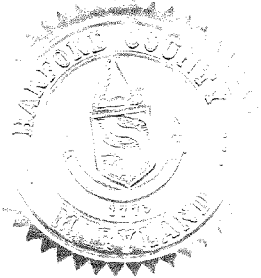
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By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 10th day of November, 1977
at 3:00 o'clock P.M.

Angela Markowski, Secretary



BY THE EXECUTIVE

APPROVED:

County Executive

Date

BY THE COUNCIL

This Bill, having received neither the approval nor the
disapproval of the Executive within twenty-one (21) days of its
presentation, becomes law on December 2, 1977.

Angela Markowski
Angela Markowski, Council Secretary

EFFECTIVE: December 2, 1977

Rec'd for record 12/16/1977 at 2:30 P.M.
Same day recorded & examined for
H. Douglas Chilcoat, Clerk

77-105

AS AMENDED